



STATE SERVICES CONTRACT

Contract Number:	Date Advertised for Bids:	Date:
Contract Bid Amount:	Contract Duration:	to
Description of Project:		
Labor Compliance Contact Information:		
Prime Contractor:		
Contract Manager:	Pre-job performed by:	

POSTERS/NOTICES

Contractors are required to post all required state posters on the jobsite in an area accessible to all workers, including subcontractors. Posters must be readable and placed in visible areas allowing workers to access the posters before, during, and after work shifts. Jobsites with multiple locations must include a portable poster board to ensure continued access to the information. Posters placed in foreman, supervisor, or employee vehicles, in an offsite job trailer, or inside a temporary restroom **do not** meet the posting requirement. Resident engineers, contract managers, and other delegated Caltrans staff will verify the prime contractor has posted the following:

- State General Prevailing Wage Determinations in effect on date advertised.**
General Prevailing Wage Determination:
 Journeyman and Apprentice Prevailing Wage Rates can be accessed at the CA Department of Industrial Relations (D I R) Web site:
[D I R Prevailing Wage Determinations](#) and [Public Works Apprenticeship Requirements](#);
Reference: California Labor Code Section 1773.2
 - Company Equal Employment Opportunity (EEO) policy. *Reference: Contract Provisions*
 - Department of Fair Employment and Housing (DFEH) Forms 162 (English) and 162(S) (Spanish), *Harassment or Discrimination in Employment is Prohibited by Law.*
 - Pay Day Notice.
 - Notice of Labor Compliance Program Approval, English and Spanish.
Reference: California Code of Regulations (CCR) section 16429.
- Posters may be printed from the Labor Compliance page on the Caltrans Web site at:**
[Caltrans Division of Construction Labor Compliance Posters](#)

PREVAILING WAGE REQUIREMENTS

- All workers employed in the execution of this public works project, including sole proprietors, partners, and corporate officers, must be paid not less than the specified prevailing wage rates for the type of work performed. *Reference: Labor Code section 1774*
- Contractors utilizing an entity for the purpose of hauling or delivery of ready-mixed concrete are required to enter into a written subcontract agreement with the entity. *Reference: Labor Code section 1720.9*
 - ⇒ Workers employed in the hauling and delivery of ready-mixed concrete must be paid not less than the specified prevailing wage for the type of work performed in the geographic location of the plant/batch facility. *Reference: Labor Code section 1720.9*
- Overtime must be paid for all hours over eight in a calendar day and 40 hours in a week. Violations may subject the contractor to a state penalty. *Reference: Labor Code sections 1810-1815*
- Saturday/Sunday premium rates are applicable as indicated on prevailing wage determinations.
- When required, shift differential rates must be paid for classifications which include a shift determination.
- For building contracts, state building wage rates are applicable.
- State Prevailing Wages:**
 - * Single asterisk indicates that the wage determination can be used for the life of the contract.
 - ** Double asterisk indicates that the wage determination includes predetermined increases
- Subsistence/Zone pay must be shown on the fringe benefit statement if not indicated on certified payroll.
 - ⇒ The contractor must make applicable travel and subsistence payments in accordance with information on file with D I R for classifications utilized. **For more information contact the Prevailing Wage Unit at (415) 703-4774 or visit D I R's Web site at: [D I R Prevailing Wage Determinations](#)** *Reference: Labor Code section 1773.1*
- Contractors violating prevailing wage requirements are subject to a penalty to be paid in addition to any wage underpayments. Liquidated damages in the amount of the wage underpayments may also apply. *Reference: Labor Code sections 1775 and 1742.1*

PAYROLL REQUIREMENTS

- All labor compliance documents submitted must be complete, accurate, and require the correct Caltrans contract number.
- Certified payrolls must be completed weekly and documents (including electronic) are due with invoice. *Reference: Labor Code section 1771.5, Contract Provisions*
- Certified payrolls must include ALL information as required by California Labor Code 1776, and the information included on Caltrans form CEM-2502, *Contractor/Subcontractor Payroll*. *Reference: Title 8 CCR section 16404; Labor Code section 1776*
- Classification and group numbers are required on all payrolls (i.e., Laborer-Group 1, Plumber-Pipefitter, etc.). When work classification is not shown, or a misclassification is identified, Caltrans will determine the wage rate based on duties performed. *Reference: Labor Code section 1776*
- Payrolls must clearly show how gross and net wages are calculated, including fringe benefits.
- Caltrans form CEM-2503, *Statement of Compliance*, is due with each weekly payroll. Boxes must be marked indicating if benefits are paid to a fund and/or to the employee/employees. *Reference: Labor Code section 1776*
- All deductions marked "other" (i.e. garnishments, tools, etc.) must be explained on the payroll or the Statement of Compliance. Source documents to confirm the "other" deduction that meet requirements of an authorized deduction are to be submitted with the first payroll on which the deduction appears. *Reference: CCR section 16432*

- Caltrans form CEM-2501, *Fringe Benefit Statement*, must be completed and signed showing hourly rates and the name and address of plan/plans whenever any portion of the fringe benefits are paid to a plan, fund, or program. The form must be submitted with the first payroll and when fringe benefits or subsistence amounts change. Fringe Benefit Statements must be specific to the contract.
Reference: Labor Code section 1773.1
- All contractors are required to provide itemized wage statements (check stubs) to employees.
- Failure by the prime to submit the required reports or documents will result in all payments due to the contractor withheld until the next invoice after compliance. *Reference: Labor Code section 1771.5*
- Caltrans form CEM-2505, *Owner-Operator Listing*, may be used when owner-operators are performing on project. *Reference: CCR section 16404; Labor Code section 1776*
 - ⇒ The contractor employing an equipment owner-operator must complete the owner-operator listing. Forms will not be accepted from the equipment owner-operator unless the hiring contractor signs the owner-operator Statement of Compliance.
- Whenever an entity is used in the hauling or delivery of ready-mix concrete the following documentation must be provided:
 - ⇒ A copy of the written agreement between the entity hauling/delivering ready-mix concrete and the contractor is required to be submitted with the first payroll which the entity performed work.
 - ⇒ The contractor is required to submit a copy the driver's certified time records to Caltrans with the payroll submission. *Reference: Labor Code section 1720.9*
- Certified payrolls may be maintained and submitted electronically. *Reference: CCR section 16404*
 - ⇒ Submissions must be in an unmodifiable PDF format and contain all information required by California Labor Code Section 1776.
 - ⇒ The prime contractor and each subcontractor must complete a *Contractor's Acknowledgement Form* prior to submitting electronic payroll records. **The form can be downloaded at:**
[Caltrans Division of Construction Labor Compliance](#)
 - ⇒ **Instructions for electronic submittal of certified payroll records can be downloaded at:**
[Caltrans Division of Construction Labor Compliance](#)
 - ⇒ The prime contractor should require all subcontractors to notify the prime when submitting electronic payroll records.
- Payroll records must be preserved for three years after completion of the project.
Reference: Contract Provisions

APPRENTICES

- All requirements of California Labor Code section 1777.5 apply for classifications which D I R has identified as an apprenticeship craft, including the following:
 - ⇒ Submit D I R's Division of Apprenticeship Standards form D A S-140, *Public Works Contract Award Information*, to the applicable apprenticeship committee, and a copy to Caltrans, prior to start of work. **The form can be downloaded from D I R's Web site at:**
[Division of Apprenticeship Standards Public Works Information](#)
 - ⇒ Training fees MUST be sent to a state-approved apprenticeship program or the California Apprenticeship Council and identified on the fringe benefit statement.
 - ⇒ Apprentices must be paid the prevailing wage rate applicable to the classification and step in which they are registered and employed.

- Complaints or violations regarding apprentice ratios will be referred to the Division of Apprenticeship Standards. *Reference: Title 8 CCR section 16434*
- Proof of registration in a state-approved apprenticeship program is required and must be submitted with the first payroll on which apprentices appear. *Reference: Labor Code Section 1777.5*

DISABLED VETERAN BUSINESS ENTERPRISE (DVBE)

- Is there a DVBE participation goal for this contract? Yes No
 - ⇒ There is a DVBE participation goal of _____ percent applicable to this project.
Reference: Contract Provisions
 - ⇒ Ensure DVBE performs a commercially useful function as defined in the California Military Veterans Code (MVC) Section 999.
 - ⇒ If a substitution is needed and is permitted in the contract provisions, the DVBE **must be replaced with another DVBE**. *Reference: MVC section 999.5 (e)*
 - ⇒ Submit a written request to the contract manager citing one of the allowable reasons for substitution. Written approval from the contract manager and the California Department of General Services (D G S) is required prior to change of a DVBE. Do not substitute until final approval is received from Caltrans.
 - ⇒ Caltrans will provide the request to D G S for approval.
 - ⇒ Caltrans form CEM-2402(S), *Final Report – Utilization of DVBE State Funded Projects Only*, must be submitted at the completion of work. Failure to provide the report will result in a withholding of invoice payment.
- Maintain records of subcontracts made with certified DVBEs. *Reference: Contract Provisions*

EQUAL EMPLOYMENT OPPORTUNITY (EEO) REQUIREMENTS

- Contractor must comply with the nondiscrimination requirements provided in the contract.
- Contractor will permit interviews of employees and owner-operators on the project during working hours.
- Contractor's EEO Officer must be identified in posted policy.
Name of Company EEO Officer: _____
- Caltrans provides contractor employees a *Discrimination Complaint Procedures* brochure (DFEH-151) upon receipt of an EEO complaint.

TRUCKING

- Are the trucking items/materials coming from a commercial source? Yes No
 - ⇒ Was the commercial source established prior to bid opening? Yes No
Who will pick up or deliver items/materials? _____
 - ⇒ Will there be stockpile/stockpiles for this project? Yes No
If so, location/locations: _____

ADDITIONAL CONTRACT INFORMATION

- Are there any lane closure restrictions that prevent the prime contractor or any subcontractors from working a normal work week? Yes No
 - ⇒ Special/Night Shifts: Yes No
 - ⇒ Multiple Shifts: Yes No
 - ⇒ Weekends: Yes No
 - ⇒ Shift differential rates must be paid for classifications with a shift determination.

Caltrans Labor Compliance routinely conducts audits of contractor and subcontractor payroll records as indicated in the contract provisions.

I acknowledge that I have been informed and am aware of the Caltrans Public Works requirements listed above and that I am authorized to make this certification.

PRIME CONSULTANT'S SIGNATURE BELOW

PHYSICAL ADDRESS

Print Name & Title

Date

Signature (If joint venture, make sure both sign)

**PAYROLL CONTACT NAME, EMAIL ADDRESS AND FAX NUMBER
(to receive Labor Compliance Letters/Notices)**

Print Name: _____

Title: _____

Email Address: _____

Phone Number: _____

Fax Number: _____

ADDITIONAL LABOR COMPLIANCE INFORMATION/SUBSISTENCE INFORMATION: